

REMARKS

The Examiner has withdrawn the objections to the specification, drawings and claim 14 and the rejection of claims under 35 USC 112 as being indefinite. The Examiner also has withdrawn the rejection of claims under 35 USC 103 as being obvious from Leue et al. in view of Ripley. Furthermore, the Examiner has withdrawn the indication that claims 10 and 13-15 contain allowable subject matter, but continues to indicate that claims 16 and 17 contain allowable subject matter.

The Examiner now rejects claims 10 and 13 under 35 USC 102 on the ground that all of their subject matter is disclosed in the Leue et al. reference. The Examiner also rejects claims 10, 13-15 and 18 under 35 USC 102 on the ground that all of their subject matter is disclosed in the Endo et al. reference, which was previously cited by the Examiner but not previously applied against the claims.

Reconsideration of the rejection of claims 10 and 13 under 35 USC 102 on the ground that all of their subject matter is disclosed in the Leue et al. reference is respectfully requested. Claim 10 recites, among other structure, “the sash frame has an outer surface adjacent to the window frame”. In the embodiment of, for example, Fig. 4 of the present application, the sash frame member 220 has an outer surface (facing to the right) that is adjacent to the window frame member 120. Claim 10 also recites “a second drainage groove is formed in the sash frame” and “wherein the second drainage groove has a concave surface extending along the outer surface of the sash frame, and includes a flange protruding from the outer surface of the sash frame”. In the embodiment of Fig. 4, the second drainage groove has a concave surface extending along the outer surface (facing to the right) of the sash frame that is adjacent to the window frame member 120, and includes a flange 222 protruding from the outer surface (facing to the right) of the sash

frame.

The Examiner interprets the surface of the sash frame 10 of Leue et al. that faces to the left as corresponding to the sash frame outer surface of claim 10. In addition, the Examiner interprets the exterior rabbet 16 of Leue et al. as corresponding to the “second drainage groove ... formed in the sash frame” and as including “a flange protruding from the outer surface of the sash frame”, wherein the entire portion of the frame 10 under the exterior rabbet 16 is the flange. However, the applicants point out that the entire portion of the frame 10 under the exterior rabbet 16 cannot be “a flange protruding from the outer surface of the sash frame”, because the entire portion of the frame 10 under the exterior rabbet 16 defines the outer surface of the sash frame. The entire portion of the frame 10 under the exterior rabbet 16 actually extends in (toward the right) from the outer (left-facing) surface of the sash frame.

In the Response to Arguments that begins on page 9 of the Office Action, the Examiner contends that the double rabbet of Leue et al. with a single glazing would leave a groove capable of drainage. However, the applicants point out that a single glazing conventionally fills the exterior rabbet, as is done in US Patent No. 5,950,398 to Hubbard. In this way, the rib of material that defines the rabbet is on the inside of the rabbet and is protected from the weather. In view of this, in the case of a single glazing, only an interior rabbet is not filled by glazing. However, by virtue of being in the interior, the interior rabbet does not extend along the outer surface of the sash frame, as is required by claim 10. Moreover, the exterior rabbet 16 in Leue et al. is clearly not intended to function as a drainage groove, since it will be occupied by the pane.

In addition, in the Response to Arguments, the Examiner contends that the applicants argued that the flange (B) in the Examiner’s sketch does not protrude from the outer surface of the sash frame. However, the applicants did not make such an argument. Instead, the applicants

argued that the rabbet 16 of Leue et al. does not include a flange protruding from the outer surface of the sash frame. Claim 10 does not merely recite “a flange protruding from the outer surface of the sash frame”, but instead recites “the second drainage groove … includes a flange protruding from the outer surface of the sash frame”. Leue et al. does not disclose a second drainage groove including a flange protruding from the outer surface of the sash frame. In this regard, even if the outer rabbet of Leue et al. were considered to be a drainage groove, the outer rabbet does not include a flange protruding from the outer surface of the sash frame. In this regard, the flange 18 of Leue et al. is located at the exact opposite side of the sash member from the rabbet 16. Now, judging from the Examiner’s sketch of Fig. 1 of Leue et al. in the final Office Action, it seems as if the Examiner might be considering the entire exterior side of the sash member as constituting the flange. This, however, is totally inconsistent with the meaning of the word “flange” as defined, for example, by *Webster’s New Collegiate Dictionary*, which defines a flange as “a rib or rim for strength, for guiding or for attachment to another object”. Furthermore, the rabbet 16 of Leue et al. would not be considered by one of ordinary skill in the art to, in the term of claim 10, “include” the entire exterior side of the sash member. Also in the terms of claim 10, a “groove” does not “include” the member in which the groove is formed. The first entry in Dictionary.com for “include”, based on the Random House Dictionary definition, is:

1. to contain, as a whole does parts or any part or element: *The package includes the computer, program, disks, and a manual.*
2. to place in an aggregate, class, category, or the like.
3. to contain as a subordinate element; involve as a factor.

None of these describe the relationship of the rabbet 16 of Leue et al. to the entire exterior side of

the sash member.

Furthermore, in the Response to Arguments, the Examiner contends that the rabbet 16 of Leue et al. is a concave groove, based on Dictionary.com's definition of "concave". However, it is clear from Dictionary.com's presentation of "concave" that the definition chosen by the Examiner does not apply to a rabbet. Instead, it clearly only applies to the geometry of polygons. The rabbet is not a polygon. Furthermore, the rabbet 16 of Leue et al. would not fit the Examiner's chosen definition of "polygon", because the definition requires the polygon to have an interior angle greater than 180 degrees. Such an angle results in a polygon in which one of the "points" of the polygon is pointed inward rather than outward. Another definition of "concave" on which the Examiner relies, namely, to mean "hollow," is obsolete. Moreover, the flat-bottomed rabbet of Leue et al. is not hollow. It is flat. Fig. 1 shows it as flat; there is nothing in the specification of Leue et al. to suggest otherwise; and nothing in the prior art suggests a reason to make it other than flat.

Endo et al. is concerned solely with the making of the profiles and the choice of materials therefor and says nothing about the purpose of their cross-sectional shape. There is, thus, nothing to suggest that the corners of the space between the sash and frame could be used for water drainage purposes. On the contrary, the use of weather strips (44,46) and the absence of drainage means (corresponding to the pipe 15 in Leue et al.) may be seen as an indication that water is not intended to reach this space. Furthermore, the groove in the sash profile is located in such a way that it seems utterly impossible for water penetrating the space to reach it. Only a limited amount of moisture condensing on the inside of the sash flange 4b-1 will tend to end up in the groove, but would be hindered from doing so by the small cam projecting inwards at the mouth of the groove.

In addition, some of the comments presented above in connection with Leue et al. apply to Endo et al. For example, the groove N of Endo et al. does not include a flange protruding from the outer surface of the sash frame. Furthermore, it seems as if the Examiner might be considering the entire exterior side of the sash member below the groove N as constituting the flange. This, however, is totally inconsistent with the meaning of the word "flange" as defined, for example, by *Webster's New Collegiate Dictionary*, which defines a flange as "a rib or rim for strength, for guiding or for attachment to another object". Moreover, the entry in Dictionary.com for "include", based on the Random House Dictionary definition, as specified earlier herein, does not describe the relationship of the groove N of Endo et al. to the portion of the sash member below it.

Further still, it is clear from Dictionary.com's presentation of "concave" that the definition chosen by the Examiner clearly does not apply to the groove N. Instead, it clearly only applies to the geometry of polygons. The groove N is not a polygon. Furthermore, the groove N of Endo et al. would not fit the Examiner's chosen definition of "polygon", because the definition requires the polygon to have an interior angle greater than 180 degrees. Such an angle results in a polygon in which one of the "points" of the polygon is pointed inward rather than outward. Another definition of "concave" on which the Examiner relies, namely, to mean "hollow," is obsolete.

Through the incorporation of the limitations of claim 13 in claim 10, claim 10 now additionally recites "wherein the first drainage groove formed in the inner surface of the window frame constitutes a complex drainage channel for the window frame, while the second drainage groove formed in the outer surface of the sash frame constitutes a complex drainage channel for the sash frame, and wherein the complex drainage channel for the window frame comprises the

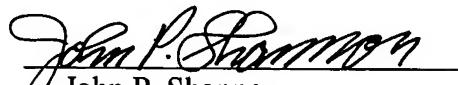
first drainage groove formed with the lateral and bottom members of the window frame, while the complex drainage channel for the sash frame comprises the second drainage groove formed with the lateral and bottom members of the sash frame.” Although the Examiner has asserted that the complex drainage groove, including the grooves in both the side and bottom members, as being known from Endo et al., the applicants have been unable to find any basis for this. The figures of Endo et al. show only a vertical cross-section of the window, and the description is silent on the design of the side members.

In view of the foregoing, it is submitted that claim 10 is allowable and that the claims that depend from claim 10 are allowable with it.

In view of the foregoing, it is submitted that all of the claims are allowable and that the application is in condition for allowance. An early notice to that effect is respectfully requested.

Respectfully submitted,

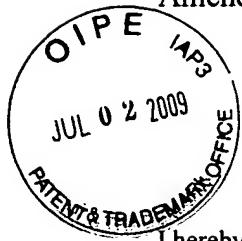
Date: 6-29-09



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Serial No. 10/580,006
Amendment Under 37 CFR 1.116



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